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Alexandria, VA 22320

In re Application of : DECISION ON  
Yoseph KOLTUNOV et al. :  
Application No.: 09/530,758 :  
PCT No.: PCT/IL98/00568 : PETITION  
Int. Filing Date: 20 November 1998 :  
Priority Date: 20 November 1997 :  
Attorney's Docket No.: 106153 : UNDER 37 CFR 1.47 (a)

For: DETERMINATION AND RECOGNITION OF OBJECTS BY MULTISPECTRAL  
SENSING

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.147(a) FOR ACCEPTANCE OF APPLICATION WHERE AN INVENTOR HAS REFUSED TO SIGN" filed 30 November 2000, seeking the acceptance of the application without the signature of the co-inventor Yoseph (Joseph) Koltunov.

BACKGROUND

On 30 June 2000, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for supplying the oath or declaration later than 30 months must be filed. The notification set a one-month time limit in which to respond.

On 30 November 2000, the applicants filed the following papers:

(1) petition under 37 CFR 1.47(a)

(2) the petition fee;

(3) a declaration signed by the joint inventors Alexander Maximov, Igor Meitin, Motti Allon, Glen Guttman, and Arik Kershenbaum on their behalves and on behalf of the joint inventor Yoseph Koltunov;

- (4) a statement by Ms. Tova Faynero accompanied by exhibits setting forth facts relating to Mr. Koltunov's refusal to sign;
- (5) the last known address of Mr. Koltunov; and
- (6) a petition and fee for a four-month extension of time.

#### DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Applicant has satisfied items (1)-(3) above. With regard to item (4), the declaration is illegible. Furthermore, there appears to be two of the page number two. Accordingly, the one declaration would not list the first and last named applicant and would not identify the application to which the declaration is directed. Accordingly, the declaration fails to comply with 37 CFR 1.497.

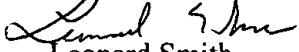
#### CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, PCT Legal Office, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

  
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